

the existence of flow control measures. Data also indicate that flow control is not essential for developing MSW capacity or for achieving recycling goals.

The Agency examined flow control nation-wide, finding that 35 states, the District of Columbia, and the Virgin Islands authorize flow control directly. Four additional states authorize flow control indirectly through mechanisms such as solid waste management plans and home rule authority. Eleven states do not have flow control authority. It is important to recognize that the Report presents a national perspective on flow control, and that the needs and objectives of state and local jurisdictions may differ significantly from a national viewpoint. Factors such as local waste generation rates, financial and market conditions, demographics, and the local economy affect the planning and implementation of solid waste management systems.

**ADDRESSES:** Paper copies of the full Report are available from the National Technical Information Service (NTIS) at 1-703-487-4650. The document number is PB95-179 263 (EPA530-R-95-008). Copies of the Report's Executive Summary (EPA530-S-95-008) are free, and may be obtained by calling the RCRA/Superfund Hotline at 1-800-424-9346; 1-800-553-7672 (TDD).

EPA is making these documents available electronically. The Agency is interested in learning whether people have obtained them electronically and what their experiences were in doing so. You are encouraged to provide feedback on the electronic availability of these documents by sending E-mail to OSW-Pilot@epamail.epa.gov. The Report and the Executive Summary can be accessed in electronic format on the Internet System through:

EPA Public Access Gopher Server: Go to [gopher.epa.gov](http://gopher.epa.gov); from the main menu, choose "EPA Offices and Regions"; next, choose "Office of Solid Waste and Emergency Response (OSWER)"; finally, choose "Office of Solid Waste/Nonhazardous/Municipal Solid Waste/General."

Through FTP: Go to [ftp.epa.gov](http://ftp.epa.gov); Login: anonymous; Password: Your Internet Address. Files are located in directories/pub/gopher. All OSW files are in directories beginning with "OSW."

Through MOSAIC: Go to <http://www.epa.gov>; choose the EPA Public Access Gopher; from the main (Gopher) menu, choose "EPA Office and Regions." Next, choose "Office of Solid Waste and Emergency Response

(OSWER)." Finally, choose "Office of Solid Waste/Nonhazardous/Municipal Solid Waste/General." Through Dial-up Access: Dial 919-558-0335. Choose EPA Public Access Gopher. From the main (Gopher) menu, choose "EPA Offices and Regions"; then "Office of Solid Waste and Emergency Response (OSWER)"; finally, "Office of Solid Waste/Nonhazardous/Municipal Solid Waste/General."

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA/Superfund Hotline at 1-800-424-9346 or 1-800-553-7673 (TDD); in the Washington, DC metropolitan area, 703-412-9810 or 703-412-3323 (TDD). For technical information on specific aspects of the Report, contact Angie Leith (5306), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (703) 308-7253.

Dated: March 15, 1995.

**Elizabeth A. Cotsworth,**

*Acting Director, Office of Solid Waste.*

[FR Doc. 95-6925 Filed 3-20-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5175-5]

**Common Sense Initiative Council, Computers and Electronics Sector Subcommittee; Meeting**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Common Sense Initiative Council, Computer and Electronics Sector Subcommittee, notice of meeting.

**SUMMARY:** The Environmental Protection Agency established the Common Sense Initiative Council (CSIC) on October 17, 1994, to provide independent advice and counsel to EPA on environmental issues associated with the electronics and computer industry and other industrial sectors. The charter was authorized through October 17, 1996, under regulations established by the Federal Advisory Committee Act (FACA). The Computer and Electronics Subcommittee (CSIC-CES) operates as a subcommittee of the CSIC.

**OPEN MEETING NOTICE:** Notice is hereby given that the CSIC-CES Subcommittee will hold an open meeting on Wednesday, April 12, from 8:30 a.m. to 5:00 p.m., and Thursday, April 13, from 8:30 a.m. to 3:00 p.m., at the Hyatt Regency Crystal City, Regency Ballroom, 2799 Jefferson Davis Highway, Arlington, VA 22202. Seating will be available on a first-come, first-serve basis.

The meeting will include review and discussion of subcommittee operating principles, discussion of subcommittee information needs, review and approval of proposed workplan items, formation of workgroups for accepted workplan items, and presentations on ongoing related Agency activities. Opportunity for public comment on major issues under discussion will be provided at intervals throughout the meeting.

**INSPECTION OF COMMITTEE DOCUMENTS:**

Documents relating to the above noted topics will be publicly available at the meeting. Thereafter, these documents, together with the CSIC-CES meeting minutes, will be available for public inspection in room 2417M of EPA Headquarters, 401 M Street SW., Washington, DC, phone (202) 260-7417.

**FOR FURTHER INFORMATION CONTACT:**

Concerning this meeting of the CSIC-CES, please contact Gina Bushong, US EPA (202) 260-3797, FAX (202) 260-1096, or by mail at US EPA (7405), 401 M Street SW., Washington, DC 20460; Mark Mahoney, Region 1, US EPA, (617) 565-1155; or Dave Jones, Region 9, U.S. EPA, (415) 744-2266.

Dated: March 15, 1995.

**Gina Bushong,**

*Designated Federal Officer.*

[FR Doc. 95-6927 Filed 3-20-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5175-1]

**Maryland Department of the Environment: Partial Program Adequacy Determination of State/Tribal Municipal Solid Waste Permit Program**

**AGENCY:** Environmental Protection Agency Region 3.

**ACTION:** Notice of tentative determination on the Maryland Department of the Environment's application for a partial program adequacy determination, public hearing and public comment period.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR Part 258). RCRA Section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for

MSWLFs, but does not mandate issuance of a rule for such determinations. EPA has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The EPA intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The EPA believes that early approvals have an important benefit. Approved State/Tribal permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by Part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

The Maryland Department of the Environment (MDE) applied for a partial determination of adequacy under section 4005 of RCRA. EPA reviewed MDE's application and made a tentative determination of adequacy for those portions of the MDE's MSWLF permit program that are adequate to assure compliance with the revised MSWLF Criteria. These portions are described later in this notice. The MDE plans to revise the remainder of its permit program to assure complete compliance with the revised MSWLF Criteria and gain full program approval. MDE's application for partial program adequacy determination is available for public review and comment.

All municipal solid waste landfilled in Maryland must be disposed in a landfill which meets these criteria. This includes all ash from municipal solid waste incinerators which is determined to be non-hazardous.

Although RCRA does not require EPA to hold a public hearing on a determination to approve any State/Tribe's MSWLF program, the EPA Region 3 has scheduled a public hearing on this determination on the date given below in the **DATES** section.

**DATES:** All comments on MDE's application for a partial determination of adequacy must be received by EPA Region 3 by the close of business on May 19, 1995. A public hearing will be held on Wednesday, May 17, 1995, from 10:00 am until 1:00 pm for the purposes of soliciting public comment on this tentative determination.

**ADDRESSES:** Written comments should be sent to U.S. EPA Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Attn: Mr. Christopher B. Pilla, mailcode (3HW50). Copies of MDE's application for partial adequacy determination are available from 9 a.m. to 4 p.m. at the following addresses for inspection and copying: Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224, Attn: Mr. Edward Dexter, telephone 410-631-3364; and U.S. EPA Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Attn: Mr. Andrew R. Uricheck, mailcode (3HW50), telephone 215-597-7936. The hearing will be held at the Maryland State Office Complex at 300 West Preston Street, Baltimore, Maryland. MDE will attend the public hearing.

**FOR FURTHER INFORMATION CONTACT:** U.S. EPA Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Attn: Mr. Andrew R. Uricheck, mailcode (3HW50) and telephone 215-597-7936.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR Part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria under Part 258. Subtitle D also requires in section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the EPA has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in STIR to allow partial approvals if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with Part 258; (2) changes to a limited part(s) of the State/Tribal permit program are needed to meet these requirements; and (3) provisions

not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of Part 258. These requirements when promulgated, will address the potential problems posed by the dual State/Tribal and Federal regulatory controls following the October 1993 effective dates of the Federal rule. On that date, Federal rules covering any portion of a State/Tribe's program that had not received EPA approval became enforceable through the citizen suit provisions of RCRA 7002. Owners and operators of MSWLFs subject to such dual programs must understand the applicable requirements and comply with them. In addition, those portions of the Federal program that are in effect must mesh well enough with the approved portions of the State/Tribal program to leave no significant gaps in regulatory control of MSWLF's. Partial approval would allow the EPA to approve those provisions of the State/Tribal permit program that meet the requirements and provide the State/Tribe time to make necessary changes to the remaining portions of its program. As a result, owners/operators will be able to work with the State/Tribal permitting agency to take advantage of the Criteria's flexibility for those portions of the program which have been approved.

As provided in the October 9, 1991 municipal landfill rule, EPA's national Subtitle D standards took effect in October 1993 in any State/Tribe that lacks an approved program.

Consequently, any remaining portions of the Federal Criteria which are not included in an approved State/Tribal program by October 1993 would apply directly to the owner/operator. On July 28, 1993, EPA proposed to modify the effective date of the landfill criteria for certain classifications of landfills (50 FR 40568).

EPA intends to approve portions of State/Tribal MSWLF permit programs prior to the promulgation of STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/

Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

EPA also is requesting States/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. EPA notes that it intends to propose to make submission of a schedule mandatory in STIR.

## B. State of Maryland

On August 26, 1993, MDE submitted a complete application (dated July 15, 1993) for a partial program adequacy determination. In response to EPA comments on their initial application, MDE submitted additional information, including letters dated October 4, 1994, and December 15, 1994. EPA reviewed MDE's application and this additional information and has tentatively determined that the following portions of the State/Tribe's municipal solid waste landfill permitting program will ensure compliance with the revised Federal Criteria.

### Subpart A—General

The existing Maryland requirements fully comply with 40 CFR Section 258.1, Purpose, Scope, and Applicability. MDE permit application checklists and internal guidance have been revised to fully incorporate the requirements of § 258.2, Definitions and § 258.3, Consideration of other Federal laws.

### Subpart B—Location Restrictions

1. The existing Maryland requirements fully comply with § 258.11, Floodplains.
2. MDE permit application checklists and internal guidance have been revised to incorporate the requirements of § 258.10, Airport Safety; § 258.12, Wetlands; § 258.13, Fault areas; § 258.14, Seismic Impact Zones; § 258.15, Unstable Areas; and § 258.16, Closure of Existing Landfill Units.

### Subpart C—Operating Criteria

1. The existing Maryland requirements fully comply with:

§ 258.20, Hazardous Waste Exclusion; § 258.21, Daily Cover; § 258.22, Disease Vectors Control; § 258.24, Air Criteria; § 258.25, Access requirements; and § 258.27, Surface Water Requirements.

2. MDE permit application checklists and internal guidance have been revised to incorporate the requirements of: § 258.23, Explosive Gas Control; § 258.26, Run-On/Run-Off Control Systems; § 258.28, Liquids Restrictions; and § 258.29, Record Keeping.

### Subpart D—Landfill Design

1. MDE permit application checklists and internal guidance have been revised to incorporate the requirements of the § 258.40 design criteria. MDE now requires, as a minimum, at all new MSW landfills and expansions to existing landfill, the bottom liner system described in § 258.40 (b). This consists of a composite liner composed of an upper synthetic (plastic) component in direct contact with a lower component at least two feet thick made of compacted soil (clay). MDE also allows an alternate design that meets the performance standards established in § 258.40 (a) and (c). MDE requires that conformance be demonstrated through the use of mathematical modeling, such as the Hydrologic Evaluation of Landfill Performance Model (HELP) and Multimedia Exposure Assessment Model (MULTIMED). MDE has to date submitted several alternate liner systems to EPA under the 40 CFR 258.40(e) Liner Petition Process, which were subsequently approved, thereby demonstrating to EPA that this process is successfully in place. Submittal to EPA for such alternate liner approvals will no longer be required upon EPA final approval of this portion of the State's program.

### Subpart E—Groundwater Monitoring and Corrective Action

1. The previously existing Maryland requirements for groundwater sampling and corrective action were in need of substantial upgrading to meet the 40 CFR 258 requirements. Using existing authorities, MDE is requiring all current landfill operators to amend their existing groundwater monitoring plans to meet the requirements of Subpart E in terms of monitoring frequency and coverage, including the pollution parameters listed in Appendices I and II of 40 CFR 258. For proposed facilities and changes to existing facilities, MDE has amended their application forms and checklists to require the preparation and implementation of a monitoring program which incorporates the

complete EPA requirements (§§ 258.50 thru 258.55).

2. In the assessment of corrective measures, selection of remedies, and implementation of corrective actions, MDE has committed to use the EPA regulations (§§ 258.56; 258.57; 258.58) to guide their enforcement actions.

### Subpart F—Closure and Post-Closure Care

1. Closure Criteria (§ 258.60)—Maryland will require flexible membrane caps, where appropriate, in accordance with the EPA regulations, and is implementing the closure periods required.

Not all existing States/Tribes permit programs ensure compliance with all provisions of the revised Federal Criteria. Were EPA to restrict a State/Tribe from submitting its application until it could ensure compliance with the entirety of 40 CFR Part 258, many States/Tribes would need to postpone obtaining approval of their permit programs for a significant period of time. This delay in determining the adequacy of the State/Tribal permit program, while the State/Tribe revises its statutes or regulations, could impose a substantial burden on owners and operators of landfills because the State/Tribe would be unable to exercise the flexibility available to States/Tribes with approved permit programs.

As State/Tribal regulations and statutes are amended to comply with the Federal MSWLF landfill regulations, unapproved portions of a partially approved MSWLF permit program may be approved by the EPA. The State/Tribe may submit an amended application to EPA for review, and an adequacy determination will be made using the same criteria used for the initial application. This adequacy determination will be published in the **Federal Register** which will summarize the Agency's decision and the portion(s) of the State/Tribal MSWLF permit program affected. It will also provide for a minimum 30 day public comment period. This future adequacy determination will become effective 60 days following publication if no adverse comments are received. If EPA receives adverse comments on its adequacy determination, another **Federal Register** notice will be published either affirming or reversing the initial decision while responding to the public comments.

To ensure compliance with all of the revised Federal Criteria and to obtain full EPA approval, MDE must revise the following aspects of its permit program:

- (1) Post-Closure Care Requirements (§ 258.61)—MDE must amend its existing regulations extending the post-

closure care period of closed landfills from a minimum of five years to 30 years, with the flexibility to increase or decrease that period as necessary or demonstrated. The extension of the period required for financial assurance will require legislative action. The State also needs to specifically require leachate collection and treatment, and gas and groundwater monitoring, as post-closure care requirements. MDE has committed to make these changes.

(2) Subpart G—Financial Assurance Criteria (§§ 258.70–258.74)—Maryland's only existing financial assurance requirements are limited to the posting of a \$5000 per acre closure bond, and even this requirement exempts, by statute, local governments, who currently operate most MSW landfills in Maryland. To comply with Federal requirements, MDE has committed to prepare a major revision to its regulations, adopting the financial assurance requirements in 40 CFR Part 258 for closure, post-closure care, and corrective action. These revisions will require an act by the Maryland legislature to revise the statute exempting local governments from financial assurance requirements. MDE has committed to submit the required legislation for consideration at the next General Assembly session.

MDE submitted a schedule indicating that it will be able to complete these revisions by September 1995. To allow Maryland to begin exercising some of the flexibility allowed in States with adequate permit programs, EPA is proposing to approve those portions of Maryland's program that can be implemented today.

EPA reviewed MDE's schedule and believes it is reasonable, considering the complexity of the rule changes, number of steps in the State rulemaking process, and the need for legislative action.

Comments are solicited on EPA's tentative determination until May 19, 1995. Copies of MDE's application are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

EPA Region 3 will hold a public hearing on its tentative decision on Wednesday, May 17, 1995 from 10 a.m. to 1 p.m. at 300 West Preston Street in Baltimore, Maryland. Comments can be submitted as transcribed from oral comments presented at the hearing, or in writing at the time of the hearing.

Public comment is specifically requested on the issue of MDE's authority to implement and enforce immediately the portions of 40 CFR 258 proposed for approval in this Notice,

using authorities in existing statutes and regulations, to revise internal guidances and permit checklists. MDE has committed to, and EPA concurs, in MDE also making revisions to its existing regulations to explicitly include the 40 CFR 258 requirements.

EPA will consider all public comments on its tentative determination received during the public comment period and at the public hearing. Issues raised by those comments may be the basis for EPA's reconsideration of this tentative determination of adequacy for MDE's program. EPA will make a final decision on whether or not to approve MDE's program and will provide notice in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments. Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of Section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR Part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

#### **Compliance with Executive Order 12866**

The Office of Management and Budget has exempted this notice from the requirements of section 6 of Executive Order 12866.

#### **Certification Under the Regulatory Flexibility Act**

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that according to EPA Headquarters this tentative approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This proposed notice, therefore, does not require a regulatory flexibility analysis.

**Authority:** This notice is issued under the authority of Sections 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended; 42 U.S.C. 6912, 6945 and 6949(a)(c).

Dated: March 9, 1995.

**Peter H. Kostmayer,**  
*Regional Administrator.*

[FR Doc. 95-6928 Filed 3-20-95; 8:45 am]

BILLING CODE 6560-50-P

#### **FEDERAL COMMUNICATIONS COMMISSION**

[Report No. 2063]

#### **Petition for Reconsideration of Actions in Rulemaking Proceedings**

March 16, 1995.

Petition for reconsideration have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857-3800. Opposition to this petition must be filed April 5, 1995. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of the Commission's Rules with Regard to the Establishment and Regulation of New Digital Audio Radio Services. (GEN Docket No. 90-357)

Number of Petition Filed: 1  
Subject: Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems. (PR Docket No. 93-61)

Number of Petition Filed: 1

Federal Communications Commission.

**William F. Caton,**  
*Acting Secretary.*

[FR Doc. 95-6827 Filed 3-20-95; 8:45 am]

BILLING CODE 6712-01-M

#### **FEDERAL RESERVE SYSTEM**

#### **Allied Irish Banks, plc, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the